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10/553,980	07/31/2006	Takahiro Kubo	1247-0543PUS1	8194
2292 7590 08/05/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
ROJAS, HAJIME S				
ART UNIT		PAPER NUMBER		
3627				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/553,980

**Applicant(s)**

KUBO, TAKAHIRO

**Examiner**

HAJIME ROJAS

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 6-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

The following is a Final Office action in response to communications received June 22, 2010.

Claims 1, 6-12 are pending and addressed below.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites the limitation "order information processing means for creating a visit request information to the sales rep and order information to a member manufacturer".

It is not clear what is meant by the disclosed limitation.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,810,401 B1, hereinafter Thompson) in view of Nagao et al. (EP 0973106 A2, hereinafter Nagao) in further view of Raffel et al. (US 2002/0082892 A1, hereinafter Raffel) and Official Notice.**

As per claim 1, Thompson discloses a system for providing configuration and estimation functionality for any number of products where customized or assembled-to-order products are evaluated selected, purchased or otherwise considered ([column:line][3:3-12]), including a unit price information database that records the name of the members and unit price information showing a unit price of each of the members (Figures 17 and 18) as well as estimate creating means for drawing up estimate information including information showing a total price of each of the members and information showing a total price of all the members, using a the list of members and the unit price information necessary to construct the desired product which uses unit price information of the list of members (Figure 3), sending the estimate to the customer, as well as order information processing means for creating and sending order information (Figure 17 and 26. See also [14:35-45] and [16:37-65]). Thompson does not explicitly disclose that this system is for solar cell ordering for planning a photovoltaic power system, making a cost estimate thereof, and placing an order thereof and that the system comprises roof information input means by which a customer inputs roof information including information showing a shape of a roof when the roof is seen from a top, information showing a size with respect to each side of the roof, and information showing a type of

the roof; roof shape creating means for creating roof shape data including information showing a roof construction plan, based on the roof information sent from the roof information input means;; module layout means for designing a layout of a solar cell module with respect to the roof using the roof shape data, and drawing up a list of members, including name and quantity of the members, of necessity for the photovoltaic power system or the order application information including information showing a visit request data to a sales rep and creating and sending a visit request to a sales rep. However, as stated above Thompson discloses an estimate and order system where customized or assembled-to-order products are considered which further includes providing product options based on user input (Figure 10) and Nagao discloses customized solar cells according to roof shape, including roof shape creating means based on inputted information ([paragraph][0070]-[0072]) and module layout means for designing a layout of a solar cell module as well as drawing up a list of members necessary for the power system ([0073][0076]. See also [0085]). Thompson also discloses sales representatives working with customers (Figure 10) and Raffel further teaches scheduling sales representative appointments ([0059] [0102]). Examiner takes Official Notice that it is old and well known for a customer and a sales person to meet in person when planning home improvement projects and that it is old and well known for a sales representative to visit the customer when planning such improvements. For example, when planning new carpet or tile installation or kitchen remodeling, the customer will set up an appointment for a visit with the sales person in order for the sales person to show the customer samples of carpet, tile and/or take measurements of

the area to be remodeled or improved. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention as disclosed by Thompson and allow for the estimate and order system to include estimating and ordering solar cell for planning a photovoltaic power system as well as scheduling visits in order to allow the Thompson invention to be used for a wider variety of custom built components and facilitate sales.

As per claim 6, Thompson further discloses wherein the order application information includes at least one of a name of a customer, an address of the customer, an address of an installation site, a payment method, and a desired installation date (Figure 21b).

As per claim 7, Thompson further discloses wherein the order information processing means draws up order contract information to be sent to a customer (Figure 16), order information for giving an instruction of procurement of the members ([14:2-15]), shipping instruction information for giving an instruction of shipping of the procured members ([14:25-34]), and installation completion confirming information having a content written thereon ([16:16-36]). Thompson does not explicitly disclose that the photovoltaic power system has completely installed. However, Thompson discloses completing installation of products ([16:16-36]) and Nagao teaches completion of installation of photovoltaic power systems (Figure 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include installation information directly

related to solar power systems in order to allow the Thompson invention to be used for a wider variety of custom built components.

As per claim 8, Thompson further discloses wherein the order contract information includes at least a name of a customer (Figure 21b), an address of the customer (Figure 21b). Thompson does not explicitly disclose an order accepted date, and an installation date. However, Thompson discloses a date field (Figure 21b) and the option for delivery (Figure 21b). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention as disclosed by Thompson and include an accepted date and installation date in order to maintain better records.

As per claim 9, Thompson further discloses wherein the shipping instruction information includes at least a name of a customer (Figure 21b), an address of the customer (Figure 21b), an address of an installation site (Figure 21b), a name of each of the members (Figure 17), a quantity of each of the members (Figure 17), a name of a constructor (Figure 21), a contact address of the constructor (Figure 21). Thompson does not explicitly disclose a scheduled installation date. However, Thompson discloses a date field (Figure 21b) and the option for delivery (Figure 21b). It is well known that when purchasing large items that require installation, the seller will provide for installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the delivery date would include an installation date in order to provide better service to the customers.

As per claim 10, Thompson further discloses module information obtaining means for obtaining module information (Figure 11). Thompson does not explicitly disclose that this component is a solar cell module and that the information based on includes a module serial number which is a number or a symbol attached for discriminating individual solar cell modules, a module output value showing a production of electricity of an individual solar cell module, and a module serial number of the to-be-installed solar cell module. However, Thompson discloses obtaining module information including a module output value of a to-be-installed component based on component detailed information such as a catalog number discriminating individual components, a module output value showing Frequency and Voltage information (Figure 11) and Nagao teaches solar cell module information including electric output information (Figure 14 and Figure 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention as disclosed by Thompson and allow for the estimate and order system to include solar cell module information in order to allow the Thompson invention to be used for a wider variety of custom built components.

As per claim 11, Thompson further discloses wherein the module information obtaining means draws up customer information for coordinating the module information and name or address of a customer ([14:2-5]).



As per claim 12, Thompson further discloses wherein input and output of information are carried out using a network (Figure 30).

Please Note: A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAJIME ROJAS whose telephone number is (571)270-5491. The examiner can normally be reached on EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/HAJIME ROJAS/

Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627